

U.S. Department of Justice



United States Attorney
Northern District of Illinois

Julie B. Ruder
Assistant United States Attorney

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219 South Dearborn Street, Fifth Floor (312) 353-8298
Chicago, Illinois 60604

January 23, 2008

BY HAND DELIVERY

William Hedrick
750 W. Northwest Highway
Arlington Heights, IL 60004

Re: *U.S. v. Anthony S. Quirin*, 08 CR 38

Dear Mr. Hedrick:

Enclosed are discovery materials, Bates labeled US 1 through 146. Please let me know if you have any questions about these documents.

In addition, as you will see from the reports, the government has the defendant's computer and hard drive, which were found to contain child pornography. The government does intend to use the defendant's computer and hard drive, and files contained on defendant's computer and hard drive, in its case-in-chief if this case proceeds to trial. However, under 18 U.S.C. § 3509(m), because the defendant's computer and hard drive contain child pornography, the government must keep them in its care, custody, and control. The government will make defendant's computer and hard drive available for your inspection, viewing, and examination; just let us know when would be convenient, and we can make the necessary arrangements.

The government requests that defendant provide all discovery material to which the government is entitled pursuant to Local Rule 16.1 and the Federal Rules of Criminal Procedure, including but not limited to:

1. the opportunity to inspect and copy anything you may mark as an exhibit at trial;
2. the results of any examination or test that defendant may raise at trial;
3. notice of any alibi or similar defense the defendant intends to raise, including the defense of necessity or coercion and any defense asserting the defendant's unavailability, on or near the dates named in the indictment; and
4. notice of any defense that may possibly be raised of a mental defect inconsistent with the state of mind required for the offense charged.

William Hedrick, cont.

January 23, 2008

Page 2

Additionally, pursuant to Local Rule 16.1, the government agrees to the following concerning further discovery or inspection:

1. the government agrees to preserve the written notes of government agents;
2. the government will provide you with identification and notification of evidence it intends to introduce pursuant to Federal Rule of Evidence 404(b) one week prior to trial; and
3. the government will provide materials subject to 18 U.S.C. § 3500 two weeks prior to trial so long as you provide any statements or reports relating to defense witnesses two weeks prior to trial as well.

One additional matter for your consideration is the subject of plea negotiations and/or the possibility of cooperation. As you may be aware, the United States Attorney has adopted an office policy against negotiating plea agreements after trial preparation has commenced. Based upon my assessment of the evidence in this case, I will need to begin trial preparation no later than two weeks before the scheduled trial date. Since all plea agreements require the approval of the United States Attorney, this means that I will be unable to recommend or negotiate the dismissal of counts, the government's sentencing position, or acceptance of responsibility credit under the United States Sentencing Guidelines, among other things, after that time period. As you know, the defendant's timeliness in manifesting an acceptance of responsibility is one of the elements to be considered in determining whether to reduce the adjusted offense level under the United States Sentencing Guidelines. Please note in this regard that once I begin trial preparation the defendant becomes ineligible for a one-level reduction under Guideline § 3E1.1(b).

Very truly yours,

PATRICK J. FITZGERALD
United States Attorney

By:

JULIE B. RUDER
Assistant United States Attorney

Enclosure